1886-010 Chancery Causes: W Jackson Darden vs William H Darden, gdn
Isle of Wight County

Wills: 1880, George W Darden, Nansemond County

In the County Court of Isle of Wight county,
The 5th day of December, 1885.

W. Jackson Darden and Thomas Darden, orphans of Edward A. Darden dec'd: being over fourteen years of age, made choice of William H. Darden as their guardian which is assented by the court. And the court doth appoint the said William H. Darden as guardian of Josiah, Virginia and Julia Darden, also orphans of the said Edward A. Darden, and thereupon the said William H. Darden as such guardian of said orphans, together with George W. Helms and Julius C. Darden his securities, who justified, entered into and acknowledged a bond in the penalty of $5000.00 with condition according to law, which bond is ordered to be recorded.

A copy.

Teste,

L.D. Young C.C.

Marden W.J.
v. 3/4 Inclu.
Marden W.L.

Feb. C. filed the
compts. Bill

Fi. 30d

In the name of God. Amen.!

I George W. Darden of Nansemond County. State of Va. being of sound mind & disposing memory, do make and publish this my last will and testament, hereby revoking all former wills heretofore made by me, in manner following to wit:

1st: My will is, that all of my just debts and burial expenses, be paid by my Executors, hereafter named as soon after my decease as convenient.

2nd. It is my Will and desire that my Executors pay out of my estate, to my half brother James M. Darden & to Stephen G Darden each one hundred & fifty dollars and to my Nephew George T. Realm One hundred dollars.

3rd: It is my Will that my Executors pay to the Children of me half bro John G. Darden One hundred & fifty dollars, and to the Children of my half sister Nancy, One hundred & fifty dollars.

4th: I hereby give and bequeath to the children of my decd bro E. H. Darden twelve hundred dollars in money, and all of the accts, bonds and debts of every kind due me by my bro E. H. Darden including those secured by Deed of Trust. Should one or more of my bro E. H. Darden's Children die before arriving to twenty-one years of age or without Lawful Children then that portion, I desire to be equally divided among the surviving brothers & sisters.

5th: I give & bequeath to the Children of my bro: Wm. H. Darden one third of my life Insurance policy, which I hold in a life insurance Company in Richmond Virginia — One other third I give & bequeath to the children of my decd bro R. M. Darden, and the remaining third I give and bequeath to the Children of my decd bro E. H. Darden. But should one or more of said

children die, before arriving to the age of twenty one years or without lawful children then their portion I desire to be divided among the surviving brothers & sisters.

6th: I give and bequeath to my friend Julius C. Warden, One hundred dollars.

7th: I give & bequeath to the Trustees of Woodland Church, Chuckatuck Circuit, One hundred dollars to be used for the benefit of said Church as the said Trustees may see proper.

8th: I desire, if not done in my lifetime, that my estate bear one half of the expense of an Iron Railing around my family burying ground at my bro Wm. H. Warden's, our old homestead. Also one Slab over the grave of George Fletcher Glover, and a head and foot board at the graves of bro Thomas, my Father & Mother, my bro Robert M. Darden & wife Julia, my sister Margaret and her son Lonnie.

9th: I desire that my Executors place over my grave a Stone Slab, the expense of which to be paid out of my Estate.

10th: It is my will and desire that my Executors retain in their hands One hundred dollars upon the Settlement of my Estate, the interest of which I wish to be paid annually to my old servant Rose (Col) and should she become an invalid, she may draw any portion of the One hundred dollars to support declining nature, that my representatives may deem proper, and when she dies, they may spend fifteen dollars to defray her burial expenses. Should there be any thing left at her death, and after paying her burial expenses, then that unexpended portion I desire one half to be given to Benj. Eley, son of C. B. Eley, and the other half to be equally divided

between Rose's daughter Bell, and her sons Isaac, John, Bob, and her grand son Claiborne.

11th: It is my will & desire that Lizzy, daughter of my old servant Lucy be paid twenty-five dollars, and her sister Nanny be also paid twenty-five dollars.

12th: It is my will and desire that the residue of my estate be divided into three equal parts, one part to be given to my bro Wm: H. Darden, one part to the Children of my bro: R. M. Darden, and the remaining portion to be paid to the Children of my bro E. H. Darden - But should one or more of his children die before arriving to twenty one years of age, or, without lawful children, then that portion I desire to be equally divided among his surviving bro & sisters

13th: I leave it altogether at the discretion of my Executors when to make sale of my Real estate, I desire, however, that a small tract of about One hundred and twenty acres, which I purchased of H. L. Symes, lying in the County of Isle of Wight and bounded by the Public Road leading from Shivers' Mill to the side of the Old Baptist Church, Whitehead & others, be sold with my home track.

14th: and Lastly. I do hereby appoint my bro Wm. H. Darden and my friend Julius C. Darden, Executors to this my last Will and testament. In testimony whereof I the said G. W. Darden have to this my last will and testament subscribed my name and fixed my seal this 8th: day of May, Eighteen hundred & eighty.

George W. Darden (Seal)

Signed, published sealed &
declared in the presence)

of us, by the said G. Willis Darden, and in whose presence and in the presence of each other we have each subscribed our names.

Geo: W. Butts

E. C. Ramsay

R. Lawrence.

At a Monthly Court held for Nansemond County the 13th: day of December, 1880. This Last Will and Testament of George W. Darden, late of this County, deceased, was this day fully proved by the oaths of E. C. Ramsay and Robert Lawrence, two of the subscribing witnesses hereto, and was thereupon ordered to be recorded. And on the motion of William H. Darden and Julius C. Darden, the only Executors named in the said Will, who made oath as the law directs, and entered into a bond in the penalty of Twenty Thousand Dollars, conditioned according to law, with Cornelius Hall, George J. Nelms, George J. Whitley and James B. Porter, their sureties therein (who justified on oath as to their sufficiency and which said bond being acknowledged by the obligors therein is ordered to be recorded) Certificate is granted the said William H. Darden and Julius C. Darden, for obtaining a probat of the said Will in due form.

Teste:

Peter B. Prentis. Clerk.

A Copy:

Teste:

Peter B. Prentis. Clerk.

Nansemond County Court
Clerk's Office. February the 5th: 1881

W. H. Darden
J. C. Darden
Exrs. of G. W. Darden's Will
Recd. Feb. 5th 1881

Darden W J
} In Chy
Darden W H

This cause came on this day to be again heard on the papers formerly read, and nothing further remaining to be done therein it is ordered that this suit be dismissed from the docket at the defendants cost.

Dardanelle
vs
Buchey

Yardanelle & Ne

Oct Term 1886
Rough Notes
Oct Term 1886
To be entered

Geo. Brown

Entered
2

Warden
v
Warden } In Chy

This cause came on
this day to be heard on the bill of the complainant
upon which process has been regularly
& confessed as to the Warden, he the said
Gailey to appear plead answer or demur
and was argued by counsel, on consider-
ation whereof the court decreeing that
under the will of Leo M Warden, the Chil-
dren of L M Warden upon arriving to the
age of 21 years, took an absolute estate
in the legacy bequeathed to them by the
said will and testament of the said Leo M
Warden, doth adjudge order and decree that
M M Warden guardian of M Warden one
of the children of the said L M Warden who
has arrived to the age of twenty one years,
pay to the said M M Warden or his atty
the sum of $389.79. Shown by commissioners
report of the transactions of the said M M
Warden guardian of the said M Warden
to be due to his said ward, which report
was returned to and confirmed by the
County Court of said County.

Warden

v } On Writ

Warden

Rough Notes

April Term 1883

Do Not entered

Geo Bliss, D.A.

Entered #12

Garden N D
N J Du Chay
Gardnette

on motion of
parties in open court it is
ordered that this suit
be made a Valuation case,

Borden

v. [illegible] Duffy

Borden

Rough draft

October term 1884

[illegible]

Entered No 29

Vardon
v J du Chay
Vardon

This Cause came on this
day to be heard on the Petition
& Order dated the 10th day of
March 1881 of Vardon, guardian of the plain-
tiff W J — Vardon, upon whose
Petition it was ordered, that
this Petition should be heard
& Order and was argued by
Counsel, on consideration whereof
the Court doth direct that upon
attaining of the age of twenty one
years, the said W J Vardon
took an absolute interest in the said
bequeathed him by the last Will
and Testament of the Vardon dec.
dated 10th day of Jan 1871 and that
what is coming to the account
of the transactions
of the W C Vardon as guardian
of the said W J Vardon, and
that the said W J Vardon pay over
to the said W J Vardon, any sum
of money which may be due by him
on the settlement of his transac-
tions as guardian aforesaid,

which account the said commissioner shall take state and report thereon, with any matter specially stated deemed pertinent by him and or required by the Court where stated -

Warrant
to
Warden

Dwight Warren
Act June 1889
Public entered

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING

WE COMMAND YOU TO SUMMON Wm. S. Darden

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in March next to answer the Bill in Chancery of W. J. Darden

~~of a plea of~~ ..... for $ ..... Damages $ ..... And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the 25th day of February 1884, in the 108th year of the Commonwealth.

N. P. Young clk.

W. J. Darden

v. 3 Sums &c
3 and Bill

Wm H. Darden

To March Ct. 1884.

V Boykin Esqr.

Executed on Wm H. Darden Aug 29th 84.

E. A. Edwards
Capt. &c.

To the Hon Geo Brown Judge of the
Circuit Court of Law and Chancery
for the County of Isle of Wight in
Chancery sitting.

Humbly complaining showeth
to the Court your Orator Wm H
Vardan.

That on the day of 1880
Geo. T. Vardan departed this life
at his residence in the County of
Isle of Wight, having first made
and published his last will and
and testament, which was duly
admitted to Probate at the Dec term
1880 of the County Court of the County
aforesaid. A copy of said will with
the certificate of probate annexed is here-
with filed marked A and prayed
to be read as a part of this Bill.
That at the Dec term 1880 of said
Court Wm H Vardan and Julius A
Vardan the Executors named in said
will qualified as such Executors.
A certificate of said qualification is
herewith filed marked B and prayed
to be read as a part of this Bill.
That the said Executors possessed
themselves of the personal estate of the
said Geo T Vardan and in pursuance

of the Goods Wares & Merchandize they
shall die seized of the real Estate of
which the said Scott Harden died
seized and possessed and collect
the proceeds of all of such Realty.
That by the 4th clause of the said will
the said Scott Harden directed & bequeathed to
the children of his deceased brothers
& Sisters Harden $1200.00. But provided that
should one or more of my brothers &
Sisters children die before arriving
to the age of twenty one years or without
issue children then this proviso, I
desire to be equally divided among the
surviving brothers and Sisters.

That by the 5th clause of the said will
I did bequeath to the children of
his brother J.H. Harden one hundred &
fifty dollars each. But provided
that should one or more of said children
die before arriving at the age of twenty
one years or without issue children
then this proviso I desire to be
equally divided among the surviving
brothers and sisters.

After certain specific legacies by the
12th clause of the testators will he
devised that the residue of his estate

be equally divided into three equal parts
one third part the paid to the chil-
dren of his brother E Hardaway, but
provided that should one or more of the
children die before arriving at the age
of twenty one years or
leaving children then, the share
share of the deceased among his sur-
viving brothers & sisters
that prior to the death of the said
W Harden this said Provision of the
Harden died in favor children of said
~~W Harden~~ Thos Harden Josiah Harden
Virginius Harden & Julia Harden and your
orator W J Harden,
that at the Dec. term 1881, of
the County Court of said County of
Wilkes, the said W Harden was duly
as the guardian of the said W Jackson Harden,
Thomas Harden, Josiah Harden, Virginius
Harden and Julia Harden
a duplicate of said qualification is
herewith filed marked A and prayes
to be read as a part of this Bill
that on the day of 1883, the Executor
of the said Geo W Harden paid to the said
Wm H Harden as guardian of the said
Thos E, Josiah, Virginius and Julia the
sum of $1338.25/8 in part of the legacy

Bequeathed there by the said last will and testament of the said late W Darden, and thus the said Executor there said doth alter unto to the said guardian on account of said ward, the said [illegible] that your Complainant has arrived to the age of twenty one years and is entitled to have and receive 1/5 of the sum so paid to the said Guardian as aforesaid.

That the said W H Darden Guardian of your Complainant aforesaid has refused to pay unto your Complainant so much of his said monies as your Complainant is entitled to receive by the said Guardian aforesaid.

That upon a proper and due settlement of his said Guardianship there will be found due and owing to your said Complainant,

In tender consideration whereof and forasmuch as your Complainant is without remedy at law and can only relieve in the said Honorable Court of Chancery where matters of this

* Your Orator & numerous does no other & effectual relief or remedy is entitled to in a Court of Law for the premises but only in a Court of Equity where matters of this

said are done and Broken, against
and contrary to the said Statute &
the Queen, her Crown and
and dignity thereof. And
Defendant says that the said
Plaintiff ought not to have
action aforesaid against him
because he says that after the
making of the said Bond and
before the commencement of
this suit, to wit on the
day of June
in the year of our Lord
at Toronto aforesaid, the
said Plaintiff by his deed
duly executed and delivered
under his hand and seal
released the said Defendant
from the said Bond and
the said sum of money
thereby secured, and this
he is ready to verify.
Wherefore he prays judgment
if the said Plaintiff ought
to have his action aforesaid
against him.

Boyle Esq

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Darden

vs

Archer

Darden &c

Complainants Bill.

March Rls. 1884.
Summ. iss. Bill filed &
&c. orsi.

Aff. Rs. Bill taken
for confd. & set for
hearing.

Oct. 1884. Ordered to
be heard in vacation

April Term 1885.
Dec. for W.H. Darden
&c. to pay his wife's
&c. to pay his wife's
W.J. Darden &c.

October 1886. Dismissed
at cost of Defendant.